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February 7, 1997  
(Justice)

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*Chris Decker, Minister of Justice, today issued the following statement concerning the Province's Temporary Absence Program:*

### Statement regarding Temporary Absence Program

Justice officials have now had an opportunity to review the province's Temporary Absence Program in light of the views expressed by Madame Justice Cameron in the decision of the Court of Appeal in *R. vs. Oliver*, other Canadian case law and the new Section 742.1 of the Criminal Code.

The practice of granting consecutive or back to back temporary absences, to facilitate rehabilitation, is not new. It has been in common use in this province for at least 15 years, and is widely used in all other provinces as well.

Bill 53 - which has passed third reading in House of Commons, and is expected to be passed into law very soon - will amend the Prisons and Reformatories Act to provide the expressed authority to grant back to back temporary absences, and to extend their duration from 15 to 60 days. Bill C-53 addresses one of the concerns raised by Madame Justice Cameron. It also reflects a consensus of opinion among federal/provincial/territorial Justice Ministers.

In the interim, those sentenced by a judge to imprisonment will not be considered for a rehabilitative TA until they have served at least one sixth of their sentence in an institution.

Furthermore, as recommended by the Court, Crown prosecutors and correction officials will work cooperatively to identify those cases where service of a full sentence in the community might be considered appropriate by the Sentencing Judge. As far as is practicable and possible, Corrections officials will provide the Court with an assessment, information and recommendations in that regard at the time of sentencing.

Upon expiry of a current TA, the individual involved will undergo a thorough re-assessment. Re-assessments will be conducted at the nearest appropriate location - for example, a police station, penitentiary, or other designated location. Those whose rehabilitation programs would be compromised by a return to prison will not be reincarcerated.

I hope these measures will address the concerns expressed by Madame Justice Cameron and, at the same time, allow continued access to the excellent and effective community-based rehabilitative programming available through our partnerships with agencies such as the John Howard Society; and allow those who have employment or who are enrolled in educational programs to continue.

Contact: Office of the Minister, (709) 729-2869.

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